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ANSWER

OF THE

WHIG MEMBERS

OF THE

LEGISLATURE OF MASSACHUSETTS,

CONSTITUTING

A MAJORITY OF BOTH BRANCHES,

TO THE

ADDRESS

OF

HIS EXCELLENCY MARCUS MORTON,

DELIVERED IN THE

CONVENTION OF THE TWO HOUSES,

JANUARY 22, 1840.

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TO HIS EXCELLENCY

MARCUS MORTON.

May it please your Excellency,

The WHIG MAJORITY of the LEGISLATURE of Massachusetts, listened with regret and disappointment to your Excellency's Inaugural Address to the Convention of the two Houses;—regret, that sentiments which had before been used as the mere stratagems of party, should now be heard from the Chair of State,—and disappointment, that they should have proceeded from one, whose dignified and impartial conduct in another high office seemed a pledge of a more independent course. In reading the Address more deliberately, our regret increased, and our disappointment became surprise, until, upon mature reflection, we have felt it our duty to make to it a Public Answer. This we should have done, according to the time-honored custom of our Fathers, in the name and with the authority of the Legislature, but for the conviction that the Minority, who support your Excellency in the two Branches, would have insisted upon a protracted debate, at great expense to the Commonwealth, but which your Excellency will perceive, by counting the names subscribed to this Answer, would have been wholly unavailing. More desirous of saving the money of the people than of talking long and loudly about economy, we have readily yielded to that consideration the advantage of giving to this Reply, in form, the authority which really belongs to it, as the Answer of the Legislature to the Address of the Executive.

Your Excellency at the commencement of the Address, after announcing yourself as the 'Supreme Executive Magistrate,'—a title which, though authorized by the Constitution, has heretofore been waived for the more simple one of 'Chief Magistrate,'—proceeds to characterize the 'purpose' of those, by whose 'unsought suffrages' you have at length attained to that dignity, after having been for fifteen years an unsuccessful candidate. And this purpose your

Excellency states to have been 'higher and holier' than that of 'personal preference,' and by necessary inference higher and holier than that of your opponents. It might be considered under any circumstances, a delicate task for a Chief Magistrate to institute such a comparison between the purposes of two portions of his fellow citizens, who happen to be as exactly balanced as possible, short of absolute equality;—but the comparison seems peculiarly unfortunate in this case, when it is considered that the result of the late election was brought about by a union of persons on a single point, who differ widely upon most political questions. Whether the 51,034 citizens whose support was given to your Excellency under such circumstances, were actuated by 'higher and holier' motives than the 51,032 who cast their votes for other candidates, were better left to a higher than human wisdom.

Your Excellency has described this peculiar purpose of your own supporters, as 'the better establishment and more perfect development of the democratic principle.' If your Excellency means by this, any other democracy than that of the Constitution, particularly that new democracy which evaporates in professions of regard for the people, while it is undermining, for selfish purposes, the foundations of the great compact which alone protects popular rights from anarchy, we shall not dispute with your Excellency's party their exclusive claim to its honors and its profits. But if your Excellency means the true democracy of the Constitution, it will probably be new information to the people of this Commonwealth, that the elevation of your Excellency, by a bare majority of votes, aided by an unfortunate division among your opponents, manifests any new desire for its 'better establishment or more perfect development.' It had been until now believed, that the true democratic principle was sufficiently defined and guarded in the Constitution and Bill of Rights of Massachusetts; and it was left to your Excellency, and your political advisers, to discover that such a fortuitous election could impart to that principle new vigor, or greater security. It would be a melancholy indication of the instability of our institutions, if, after sixty years' experience of the blessings of liberty, equality, and prosperity, which we have so eminently enjoyed, and which we have attributed to a Constitution, supposed to contain within itself the true principle and sufficient defences of democratic liberty, we are now to learn, that their establishment and development depend upon the individual, whom the temper of the times, or the mutations of public opinion upon temporary topics, may have placed in the chair.

If your Excellency had described 'the democratic principle' of which you have been thus thought 'worthy to be the representative,' as consisting in any peculiar views of civil polity, or opinions on the

leading topics of the day, the comparison drawn between 'the higher and holier purpose' of your supporters, and that of your opponents, would have been less offensive. But your Excellency has, in the Address, placed yourself before the people as having been adjudged by their votes the more worthy representative of all the acknowledged principles of civil liberty, founded upon all the Christian virtues,—of 'a principle founded in humanity, guided by benevolence, and looking to the ever progressing improvement and happiness of the whole human family—which ever seeks to protect the weak, to elevate the depressed, and to secure the just and equal rights of all,—a principle which is in harmony with pure religion, that establishes the love of God as the first law of morality,—a principle which, by listening to the voice of reason as it breathes through the people, bows reverently before the dictates of justice, while it spurns at the despotism of man, —a principle which gives the highest security to property, by giving security also to labor in the enjoyment of the fruits of its own industry,—a principle which is free from envy and narrow jealousy, and cheerfully acknowledges the benefits of cultivated intelligence, and of experience, while it respects, as the paramount fountain of freedom and order, the collective will that includes all the intelligence of the community—the will of the people.' This is the 'principle' assumed by your Excellency as the standard and criterion by which you have been successfully compared with your 'distinguished predecessor,' and these are the peculiar civil and Christian graces that separate your Excellency's supporters from those who have shown a disregard of them by voting for other candidates. It will be indeed fortunate for the people, if their 'Supreme Executive Magistrate' shall justify a choice made upon such principles, by an administration of corresponding excellence; but we cannot think it a happy augury of its success, that those advisers, to whose more perfect acquaintance with the exigencies of the party your Excellency must in this particular have yielded your own better sense of propriety, should have judged it necessary thus to begin by flattering one-half of your fellow citizens at the expense of the other.

Your Excellency proceeds to the discussion of some of the most important political questions of the day, commencing with the Currency; and your Excellency remarks that,—'there is no branch of the sovereign power more important or more difficult to be exercised than the regulation of the currency;' that 'it extends to all the relations of life, and reaches the personal interest of every man in the community;' 'and that the great and leading object of Government should be, to establish and maintain a uniform and unchangeable measure of value.' To these sound and seasonable opinions we entirely ssent; and if there ever was a country so

extensive as ours, where, under popular institutions, a more uniform measure of value prevailed than in the United States, when President Jackson began to develope his financial policy, it has escaped our knowledge. We possessed then a convertible paper, with which a man might travel from Maine to Louisiana; and the rate of exchange between the very remotest extremities of the country rarely exceeded one per cent. Let this state of things be compared by any practical man with that now existing, after the promises of the National Administration for six years past to give the country 'a better currency.' Let him consider, that under the operation of that policy, the exchange between distant parts of the Union has become so enormous, as to cut off almost all business between them which requires the transmission of funds—thus striking a deadly blow at the great interest of manufactures, and seriously impairing those of commerce and agriculture within the Commonwealth. For every dollar that was paid by the manufacturer in Massachusetts, to get home the proceeds of his sales in the great market of the South and West, while the United States' Bank was in operation and held the public deposites, he pays now from five to twenty-five times as much, if he attempts to sell at all against such a ruinous discount. This effect began from the moment that the Bank of the U. S. was deprived by Gen. Jackson of the power of regulating the currency and exchanges of the country; and it has gone on from bad to worse, under the miserable, imbecile administration of those who, in succeeding to his power, seem only to have inherited his capacity for mischief.

Most heartily do we agree with your Excellency, 'that the great and leading object of Government should be to establish a uniform and unchangeable measure of value.' We rejoice that your Excellency, disdaining the feeble subterfuge of the dominant party at Washington, admits that it *is* the duty of Government to regulate the currency,—and we should have rejoiced still more, had your Excellency followed up the admission with the proper censure of that party, for so grossly neglecting its duty and denying its power. We should have expected, from one holding upon this point so sound a theory, the most indignant denunciation, instead of the most obsequious approval, of the policy of the National Administration upon this subject—a policy founded in the assumption, that the regulation of the currency is not within the province of the General Government. This is the new doctrine of the party upon this subject. When the deposits were removed from the United States' Bank, where they had been the efficient instrument of that regulation, it was not on the ground that the General Government had no power or right over the subject, but that the State Banks, if made the depositaries of the public funds, would furnish the country 'a better currency.' It was only when this system exploded, and

scattered dismay and ruin through the land—when, by the failure of the Pet Banks, (whose irresponsible officers had been tempted first to speculation, and then to plunder, by the possession of the public moneys,) widows and orphans and public charities saw their property swept into the gulf of party profligacy—when the hard working fisherman, and the worn out pensioner, had received, the one his bounty, and the other his annual stipend, in the worthless rags of these first Independent Treasuries,—then it was, that the new doctrine was put forth, that the Government had no right nor power to regulate the currency, and that its action was limited to provision for the safe keeping of the public funds. Against this new doctrine, we most earnestly remonstrate. It has no foundation in the Constitution.

We agree with your Excellency, that 'twenty-six Sovereignties, acting independently of each other, under very little restraint from the common Government, and influenced by different interests and circumstances,' can hardly be expected on this subject 'to act with unity of purpose, and harmony of measures,' and that 'these complicated difficulties were understood and fully appreciated, by the patriotic statesmen who formed our federal constitution,' and that 'they supposed that they had invested the General Government with all the necessary authority to the proper administration of this branch of sovereign power;'—and *mainly* do we agree with your Excellency, when we consider the course of the General Government for the last six years, that 'in the practical construction and operation of these provisions, all the benefits which were expected from them have not been realised;' but we probably differ from your Excellency in the conviction, that these provisions of the Constitution have failed to produce those benefits, only because the General Government, supported by the (self styled) Democratic party, have wilfully neglected to make use of them. The 'practical construction' of these provisions by the Administration is, that they were adopted and ordained by the people, only that they might be neglected and repudiated by the Government. And in the opinion of the Majority of the Legislature of Massachusetts, never did the Government of a free people more grossly betray their trust, than in this refusal even to attempt to discharge this great duty to the country. Denying as well as neglecting it, a plan for the mere custody of the public funds is now again proposed to Congress, under the name of the Independent Treasury; and if any thing were needed to show the total inappropriateness of the description of 'the democratic principle,' in the opening of the Address, as the distinguishing test of your Excellency's party, it would be the striking fact, that on this most important measure, that party has within the last five years entertained opinions, and pursued a course, diametrically opposite. The

Sub-treasury, or Independent Treasury, when proposed in Congress a few years ago by a Southern States' rights member, was unanimously opposed by the friends of President Jackson, and denounced in unsparing terms by the accredited organ of his sentiments. 'The principles of pure religion, of humanity, and benevolence,' are the same now that they were then; but the stability of these principles has not preserved the party, to whom your Excellency attributes a monopoly of them, from a total revolution in their opinions.

Your Excellency speaks of the system of the Independent Treasury with approbation, as likely to be beneficial to American manufactures, and even as having a tendency, in connection with the suppression of small bank bills, 'to found their prosperity upon a rock.' The Majority of the Legislature are ignorant by what possible operation this effect is to be produced. This system is a mere fiscal device, which in substance provides that the revenue shall be collected in specie funds, and kept in the iron chests and brick vaults of certain officers, till drawn out by warrants from the Treasury, in payment of public dues. As a measure for multiplying government patronage, as creating temptations to fraud, and withdrawing a part of the money of the country—greater or less according to circumstances—from the channels of trade, it is obviously mischievous. And it would have been very instructive to have been informed by your Excellency, how this system, which appears to us to be a mere hoarding of the precious metals, where they can be of no use to any one but the absconding defaulter, is to help 'to found our manufactures on a rock.' The obvious and the only important effect of it is, to give to the Government, or rather to the receiving officers of the Government, the actual possession of a large portion of the specie of the country. So long as they keep it, the system simply withdraws so much money from circulation; and when it is paid out by the disbursing officers, the system ceases to operate upon it. It is precisely, on a large scale, that vice of hoarding, which all political economists have pointed out as enfeebling a country when practised by individuals. For every dollar thus locked up by the Government, much more than an equal amount of active capital is withdrawn from commerce and manufactures, as every dollar in specie may safely maintain more than an equal amount of credit. How this withdrawal of money from circulation—this contraction of the basis of credit—this actual diminution of the capital of the country, is to 'found the manufactures of Massachusetts on a rock,' the Majority of the Legislature is at a loss to understand. To them they seem to be words without meaning.—But that the 'system' will not be without its effect upon the business and politics of the country, the Majority will readily admit. The possession of such a considerable amount of the specie capital of the country, which the

President states, in his last Message to Congress, will amount in the hands of the Collector of New York alone to an average of $500,000 at a time, and will be often over a million, will, besides the enormous temptation to plunder, give to the Government the most dangerous power of disturbing the money market, though not the salutary power of regulating the currency—the power of oppressing particular Banks, though not of controlling the whole—the power of creating a panic, without that of restoring confidence. It will hang like a cloud in the atmosphere, to be directed by Executive favor or vengeance, formidable from the uncertainty where it may fall—an engine of oppression and corruption, operating upon the fears of the community and the cupidity of partisans. Whether its favors or its frowns are to be felt by the manufacturers of Massachusetts, is to depend, we presume, upon the strength of their adhesion to the new 'democratic principle.'

The Majority of the Legislature can see nothing in this system but ignorance of the first principles of political economy, or a wilful conversion of the public funds into an instrument of coercion and corruption for party purposes. And what can possibly be the 'view,' in which your Excellency 'regards it as fraught with benefits to the whole Union, but most of all to Massachusetts,' it is believed that the most diligent reader of the Address will be wholly unable to conjecture. The only reasons apparently given by your Excellency for this opinion, are, that 'a moderate revenue, steady prices, cash duties, these are the true safeguards to domestic industry,'—but what agency the locking up the revenue in specie in iron chests and brick vaults, instead of depositing it with responsible Banks, will have in moderating the revenue, unless it be by exposing it to be more readily carried off by defaulters, is not very obvious. The subject of cash duties is not mentioned in the Sub-treasury bill. It is a system totally independent of and unconnected with this or any other mode of keeping the public funds; and that this mode is to insure 'steady prices,' seems to us a matter whose novelty and importance, if there be any pretence of truth in it, would have justified some effort on the part of your Excellency to make it intelligible to others.—That the system will operate to reduce the rate of wages of the laboring classes, has been loudly insisted upon by your Excellency's friends at Washington, as one of its signal advantages. We do not observe that your Excellency enumerates this as one of the modes in which it will help to 'found the manufactures of Massachusetts upon a rock,' though obviously, of all its supposed effects, this seems most likely to benefit the manufacturer. If this is the 'view' in which it appears to your Excellency so 'fraught with benefits to Massachusetts, whatever of soundness there may be in that opinion, it only shows how little the system deserves the name of a Democratic measure.

Your Excellency passes from the subject of the Currency to that of the Banks, and discusses at length the imperfections of the Banking System of the Commonwealth. There are undoubtedly great imperfections and liabilities to abuse in the system, and it would gratify us to believe that any substitute for it will be found more free from objection. 'Under the operation of this system, however,' as your Excellency observes, 'and notwithstanding its evils, we have grown in wealth, and have enjoyed an extraordinary degree of prosperity.' On the other hand, the measures proposed elsewhere, for a change in the existing system, have proved utterly abortive, commencing with that which, under the name of the Safety Fund, was introduced into New York by Mr. Van Buren while Governor of that State, and ending with the present General Banking Law of the same State, which seems to be decidedly disapproved by your Excellency. Meantime the Banks of Massachusetts, in the recent financial crisis, stood firm, and have preserved to this Commonwealth and all New England, a sound convertible currency. Whatever be the general objections to our Banking system, and we do not deny their existence, it appears to us expedient 'to postpone any fundamental action on the subject,' not as your Excellency recommends, 'until the measures of the General Government with regard to the collection and disbursement of the national revenue shall be definitely settled,' for from these, no rational man can hope for any relief; but until some practical improvement in our own system is suggested. That has not yet been done. We anxiously but vainly hoped to have found it in your Excellency's Address, as the sequel of so much complaint of the existing state of things. Your Excellency does not venture to recommend the hard money system, the favorite topic of party declamation, but advises the Legislature to leave the Banking system to 'private responsibility and enterprise,' and to let the Banks 'spring up under the action of general laws,' and 'not to share the responsibility of creating them,' —thereby meaning, we presume, to recommend, as the panacea for the evils of the present system, an unrestrained liberty to all to issue their notes as currency. We need not inform your Excellency that this principle was long ago found so mischievous in practice as to have been specially prohibited by law, and we should have doubted whether such could possibly be your Excellency's meaning, could we have interpreted your Excellency's language otherwise. We apprehend that this recommendation has been read with astonishment by persons of all parties. That the circulation of the notes of individuals as currency, would be the necessary effect of an attempt to establish the hard money system, was once demonstrated by a distinguished statesman of Massachusetts, as one of its most deplorable consequences;—and the 'experiment' of supplying the place of the con-

vertible bills of Banks, incorporated and controlled by the Legislature, with the notes of every individual or voluntary partnership who should choose to issue a currency of their own, must convince all sober minded persons how much easier it is to point out the evils of the existing system than to amend them. So much denunciation, followed up by the proposition of such a remedy only, is far better adapted to foment popular discontent, than to improve the condition of the currency.

With regard to the 'character of monopoly,' which your Excellency considers the chief vice of the Banking system, your Excellency observes, that 'the profusion with which Bank Charters have been lavished, has at least taken from them any special value; nor is it believed that the regulation of the Banking system by a general law, would create any large accession of competitors to the existing Banks.' It appears to us to be at the best but an unprofitable employment of time, for practical statesmen to argue elaborately against a *monopoly*, as 'a radical infirmity,' and an 'essential vice,' of the Banking system, while it is admitted that such monopoly confers no 'special value,' and while no 'large increase of competitors' would take place by its suppression; circumstances which show clearly that this is not the cause of any defective operation of the system. Besides which it is obvious, that the unrestrained liberty of Banking by individuals and unincorporated partnerships, is the only possible remedy for this imputed 'vice' of monopoly;—a remedy which, as has already been intimated, has heretofore been found worse than the disease. We are aware that the cry of 'monopoly,' is believed by your Excellency's supporters to be a very efficient watch-word of party; but appeals of this kind, while they fill the ears of the community at first with odious and alarming sounds, cannot be supposed to continue long to operate upon their fears, when accompanied with such an admission of the utter futility of the complaint.

Without undertaking the defence of the Banks, we will dismiss this part of the Address with a single practical view of its bearing on the affairs of this Commonwealth. If the exclusive privilege of issuing redeemable paper now possessed by the Banks were taken away, the Bank Tax must of course cease to be levied, not merely because it would be unjust to levy it after the only consideration for it is withdrawn, but because no banking company would find it for its interest to continue to pay it. The Bank Tax is the source from which seven-eighths of the revenue of the State are derived. All its other regular sources of income would not defray one-half of the annual charge of the House of Representatives. There is no substitute known for it but direct taxation; so that your Excellency's proposal to remove the character of monopoly from the Banks, is practically a proposal to repeal the Bank Tax, and to levy a

Direct Tax of at least $340,000 a year, besides subjecting the State to all the evils of an unregulated and irredeemable paper currency.

Whatever may be the disorders in our Banking System, these have chiefly disclosed themselves since the commencement of the 'experiments' of the General Government upon the currency. When immediately following a session of Congress, in which the House of Representatives, by a vote of about two to one, resolved, that the public funds were safe in the custody of the Bank which Congress had chartered, (and which must be carefully distinguished from that which the State of Pennsylvania afterwards created under the same name,) the President of the United States, by promoting one Secretary of the Treasury, and displacing a second, had succeeded in finding a third pliant enough to obey the Executive mandate and order the removal of the deposits,—Banks in the several States were selected to receive them, not because they were the soundest, but upon the avowed ground that their Directors were favorable to the National Administration. This shower of public money upon the local Banks, administered by political favorites, stimulated into existence that 'wild and reckless spirit of speculation,' to which your Excellency attributes the pecuniary embarrassments of the community, by giving birth at once to an enormous issue of paper, which was loaned out in most extravagant sums to the partisans of government, often without any security, and to be employed in the wildest schemes of speculation. A sudden and general inflation of the currency thus took place, and when Congress, perceiving that the surplus revenue was rapidly assuming the form of a vast electioneering fund, ordered its distribution among the States, many of these institutions found it impossible to restore the sums confided to them, and after an ineffectual struggle of a few months, a general explosion took place. In our own State, the Commonwealth Bank, the Franklin and La Fayette Banks, totally failed, and other deposit Banks found their capital seriously impaired. A contraction of the circulation was necessarily made, as suddenly as it had been enlarged, the whole currency of the Nation was thrown into disorder, and a general bankruptcy threatened the country. The community is now slowly recovering from the unnatural condition into which it was thrown by this grand experiment.

Your Excellency next animadverts upon the subject of Special Legislation, and inculcates the doctrine that 'it should be our chief duty to make laws for the benefit of the whole,' a duty represented by your Excellency to have been so flagrantly violated by former Legislatures, that out of nine hundred acts passed in the last four years, seven hundred are Special, and two hundred only are General Laws. If by limiting your Excellency's censure of past legislation to the last four years, it is intended that the proceedings of these years are eminently

obnoxious to the charge of multiplying special laws, we believe the reproof to be misapplied. We find that in the eighteen legislative days, in which your Excellency filled the Executive chair, after the decease of Gov. Eustis, one hundred and two laws were passed. Of these, twenty eight were general laws, and seventy four were special; and of the seventy four private acts, nine were for the creation of new Banks, of which the unfortunate Banks of Belchertown and Sunderland were two.—If by a special law, were understood a law to favor an individual, or a body of men, which would not have been granted under like circumstances to any other individual or body, it is not merely ill advised legislation, but high handed tyranny. On the other hand, it is for the interest of the whole people, that any individual should, when a case arises requiring it, receive that parental assistance from legislation, which legislation alone can afford. Provided the rights of others are not invaded by it, it is difficult to perceive any sound objection to Acts for the relief of individuals under peculiar circumstances, to which the general laws are inapplicable. Out of the seven hundred Private Acts, held up by your Excellency to public odium, not one is referred to as granting privileges to any individual or body, which would not alike have been granted to all; and their general beneficent character could not be better described, than by comparing them, in your Excellency's language, to 'the light and air and dews of heaven, which fall equally on all.'

Of the Special Acts, those establishing Corporations appear to meet your Excellency's most decided disapprobation. The Address states, that 'one of the vices of the present age, stimulated by extravagance, and a thirst to acquire property without earning it, is a desire to transact ordinary business by means of charters of incorporation.' The Majority would be glad to think, that the vices of the age were of no more aggravated character than that of a desire to be incorporated 'to transact ordinary business.' But as your Excellency speaks with so much disapprobation of the 'perpetuity' that attends these Corporations, and particularly of the various evils that grow out of their power of holding real estate, and among them, that wives are deprived of dower, that the publicity of record is avoided, and a species of mortmain created by such charters,—we have examined the Special Acts passed during your Excellency's former brief administration, and find to our surprise, that among them, a grant, of perhaps the most unlimited power ever given in this Commonwealth, to a Corporation to hold real estate, and that forever, and without any power in the Legislature to repeal it, was sanctioned by your Excellency. The Act to incorporate the Proprietors of the City Hotel in Boston, enables the Corporation to purchase and hold 'any pieces or parcels of land adjoining each other within the City of

Boston, and thereon to erect a building or buildings to be used and improved as a Public Hotel, and such halls and other buildings for public use and accommodation as the said Corporation may deem expedient.' The value of the land and buildings was not to exceed HALF A MILLION OF DOLLARS, and at the expiration of twenty years, the real estate was to be vested in the Corporators individually, as tenants in common; thus virtually limiting the existence of the Corporation to that period. This Act was approved by your Excellency Feb. 24, 1825. Two days after, your Excellency approved an additional Act, in four lines, of which the only provision was, to repeal this limitation of time, and thus render the Corporation, and its 'mortmain' of half a million of real estate, perpetual, and place it beyond the reach of any future interference by the Legislature. Instructed by such examples, a law was passed under one of your 'distinguished predecessors,' to prevent such improvident legislation, by reserving a general power to the Legislature to modify or repeal all charters thereafter granted for an indefinite duration.

Besides the 'parochial, literary, benevolent, and charitable incorporations,' which are fortunate enough to escape your Excellency's condemnation, by far the greater part of these charters are for manufacturing or banking corporations; and that these are productive in any serious degree of the evils imputed to them, of 'injuriously affecting the matrimonial relation, depriving the wife of her dower'—'affecting the modes of conveyance'—'avoiding the publicity of the County Registry'—'diminishing the liability of the partners for the debts of the Company'—'creating mortmain'—'promoting entails'—'and preventing an equal distribution of property,'—the Majority of the Legislature cannot bring themselves to apprehend. The right of dower of the Corporator's wife is not affected, because, though the Corporation may hold real estate, not subject to dower, it is purchased with the personal property of the stockholder, in which his wife would have had no right of dower. The publicity of the County Registry is not affected, because all conveyances of real estate to or from a Corporation, must be recorded there like other deeds. They do not diminish the liability of the partners for the debts of the Company, because the amount of stock put in by each stockholder is liable for the debts of the Company, as much as in the case of limited copartnerships, which are allowed by a general law to all: and more careful provision is even made for informing the public by annual advertisements or official returns of the condition of these Corporations, which is not required of limited copartnerships. What analogy there is between mortmain, which your Excellency knows, is, properly understood, a perpetual dedication of land to religious uses, and applying it to the purposes of a Cotton Mill, or Banking house, by a Corporation 'for transacting ordinary business,' whose shares are daily bought

and sold in open market, we are unable to conceive. Still more difficult is it for us to trace the operation of your Excellency's imagination in connecting these Corporations with the 'prohibition of entails and the equal distribution of property.' When a stockholder in a Bank or Manufacturing Company dies, his shares are divided like other property among his heirs, or sold to pay his debts, and we cannot conceive why 'property thus holden in perpetual succession,' does not 'come under the full operation of our statutes of distribution.' And to say that 'the Corporation remains unchanged,' and 'continues to hold the corporate property,' is simply to affirm, that it is always holden under the same corporate name, though by a continual succession of new proprietors;—a 'perpetuity' not very dangerous, one would think, to the 'democratic principle.'

'Reëstablish entails and the right of primogeniture,' says the Address, while on this topic, 'and I shall despair of the continuance of our government;' and the danger that this will really be done, is deemed so imminent by your Excellency, that a wish is expressed that 'they were forbidden by the Constitution.' The Majority of the Legislature are under the impression that there is no provision in any act of incorporation ever passed in this Commonwealth, directly or indirectly looking to either of these objects, so deprecated in the Address: nor have they ever heard from any other source, that either measure was desired, feared, or even thought of by any rational being in the State. But lest your Excellency's language should undesignedly suggest to some simple minded persons, that such are among the projects of the Whig Party, the Majority of the Legislature seriously protest that they have no such designs in view, either by means of manufacturing corporations or otherwise.

So far are Corporations of the kind alluded to, from producing the injurious effects imputed to them, that they greatly increase the opportunities for men of moderate property to engage in enterprises beneficial to themselves and the public, which otherwise could be prosecuted only by the very rich. The man of small property, by means of a share in a Bank, which any one can buy, comes into the market as a money lender in fair competition with the great Capitalist, though he has himself but a small sum to lend; and by means of a share in a Manufacturing Company, equally accessible to all, he enters, on equal terms with the richest man in the community, into the business of manufacturing, from which he would otherwise be wholly excluded for want of sufficient capital. In England, where large properties exist, holden together by the right of primogeniture and perpetuated trusts, private corporations are comparatively few, and single fortunes and rich partnerships monopolize those undertakings, which here, by means of these corporations, diffuse their benefits among

numbers. Which system is most congenial with the 'democratic principle,' properly understood, it is unnecessary to state. It requires but very little consideration to perceive what would have been the condition of Massachusetts, in prosperity and productive industry, without these institutions—compared with that which it now exhibits. Its vast water power—a great element of its natural wealth, a gigantic laborer that now works day and night without food or rest in the service of the State—would have spent its strength in idleness, but for this mode of associating capital for its employment; or it would have been taken up at low prices by the very rich, who would thus have monopolized its immense advantages. The policy that would destroy these companies, by stimulating a popular prejudice against them, strikes at the root of the prosperity, not only of our manufactures, but of our agriculture and commerce, now so dependent upon manufactures. It is a policy that would drive our population and capital into other States, which would be glad to receive them, even if they brought with them the formidable 'vice of transacting ordinary business by means of charters of incorporation.' If any one supposes that the manufactures of this Commonwealth could have been carried on to any thing like their present extent, without these charters, it could only be because enormous fortunes would have been realized by those whose wealth enabled them first to embark in those enterprizes, until by degrees they became engrossed in the hands of a great manufacturing aristocracy, instead of being carried on by the united means of small capitalists. That such an effect would have been produced, we do not believe, at least for many years to come; because to prosecute such undertakings successfully by individuals, requires not only large means, but a capacity for the business not always united with them; while by means of these corporations, both capital and skill are associated in the most advantageous and economical manner.

Your Excellency mentions with sorrow that 'our ancient and venerated Commonwealth has incurred, and is subject to heavy responsibilities,' by granting its credit in aid of several great works of Internal Improvement; and considers that 'many objections exist to this mode of embarking the credit or the resources of the State,' and that the construction of such works by the State, would be unjust, because the 'laws of nature' here 'forbid a general and equal distribution' of them. But notwithstanding the very unequal surface of our soil, we cannot think the last remark is practically true, in any degree at all peculiar to this State. The Rail Roads completed and in progress, are not confined to any particular section of the Commonwealth. They branch off in every direction from the Capital, which must necessarily be the terminus of such works; and the western part of the State, which is the one to which it is most difficult to conduct them,

and which had been least benefitted by private enterprises of this character, has received the largest assistance from the public.

The objections stated by your Excellency to this mode of embarking the credit or the resources of the State, do not strike our minds with much force. We cannot perceive that the State labors under any disadvantage in these undertakings, because it is not true that it is called on to 'compete with individual shrewdness and diligence.' In the Western Rail Road, the only one of these works in which it holds stock—a work carried on at common expense and for the common benefit—it must share alike in gain or loss with the other corporators. If the State were to attempt to construct one Rail Road, and individuals another, in competition with it, the objection might be sound. Nor can we learn either from principle or experience, that it is wise to forego all great works of public improvement until individuals are able to complete them. The history of public improvements in the other States, appears to us not to justify so timid a policy. But the possibility of the Commonwealth becoming actually liable for the $5,000,000 principal, and $300,000 annual interest and expenses, in which it is said to be embarked for these objects, seems to weigh most heavily upon your Excellency's mind: and lest this should appear like a confirmation of the appeals to the fears of the people, with which itinerant demagogues and factious newspapers have endeavoured to alarm them, into a belief that their farms are all deeply mortgaged for these extravagant undertakings, (but which statements your Excellency, we are happy to perceive, qualifies by the important condition, 'should they become fixed upon the Commonwealth,') we will endeavor to show how little ground there is for such an apprehension.

The first of these appropriations was the loan of $400,000 of the scrip of the State, made to the Norwich and Worcester Rail Road Corporation. At that time, the Boston and Providence, the Boston and Worcester, and the Boston and Lowell Roads were in successful operation, and had satisfactorily solved all doubts of the utility and productiveness of such works. Between that time, and April 1839, $4,100,000 of State scrip had been loaned, to the Eastern, the Western, the Boston and Portland, the Nashua and Lowell, and the New Bedford and Taunton Rail Roads, in different sums, all bearing interest at 5 per cent. And in all these cases, the whole income of the Road, and the whole Road itself, and the whole equipment of engines, cars, and other property, are pledged to the State to pay the interest and principal of the loans.

Now let us see what is the probability that any of these loans will 'become fixed on the Commonwealth,' and operate as a mortgage upon every man's farm.

The Eastern Rail Road, until December last, was open only as far

as Salem. This Corporation has received a loan of $500,000, of which the annual interest is $25,000; the net income from that part of the Road, was the last year $72,446 98, nearly three times as much as the annual interest on the loan.

The Nashua and Lowell Rail Road received a loan of $50,000 scrip, of which the annual interest is $2,500. The net income during the last year, which was the first of its operation, and therefore cannot be supposed a fair average, was $28,895 15, more than ten times as much as the interest on the loan.

The Boston and Portland Rail Road received a loan of $150,000 scrip, of which the annual interest is $7,500. The net income of the Road, during the past year, was $25,678 46, about three and a half times as much as the annual interest on the loan.

The Western Rail Road received a loan of $3,300,000 scrip, of which the annual interest is $165,000. This Road has been open only a few months between Worcester and Springfield; and under the disadvantages of a winter in which the snow has been peculiarly heavy, of a great stagnation of business, and of the Road not having yet reached any great line of communication towards the West, it has more than paid its current expenses by twenty-two per cent. No computation can be made from that of its probable receipts, when finished so as to meet the Hudson and Albany Rail Roads; thus opening a communication between the Capital of New England,—the whole lines of the Erie and Northern Canals,—and the various Rail Roads leading from the Hudson westward to the great chain of Western Lakes. We may however approximate it thus:—It is a continuation of the Boston and Worcester Rail Road, and will be about three times as long, with advantages not greatly inferior to those at present enjoyed by that Road; and if its net income be as great per mile, it will amount to about $316,000, which will not fall much below twice the annual interest on the loan. Besides which, there is a sinking fund provided by the Act creating the loan, consisting of the premium on sale of the scrip, which on the $1,228,000 of scrip already sold is $137,605 30, and will be, when the whole is sold, $364,265 09, which is to be kept at compound interest for the thirty years, towards paying the principal loan: and at the rate at which the $137,698 already received has been loaned, this fund, with an addition of 1 per cent. on the whole loan, to be annually paid from the income of the Road, ($33,000,) will entirely discharge the whole principal of the loan when it falls due.

The foregoing are all the Rail Roads, that have received loans, which are now opened for travel.—The others, the New Bedford and Taunton, and the Norwich and Worcester, will be opened, the former in the summer, and the latter in the spring of the present year; and

that they will be so productive as to make the Commonwealth perfectly safe in its responsibilities for them, seems not less certain, than in the cases already stated. So far therefore as the $4,500,000 of scrip loaned to these Rail Roads is concerned, it seems preposterous to attempt to alarm the fears of the community. While the business of the State continues to be such as to give the 'immoveable property' within it any value, which will make it worth the keeping, these great lines, communicating between the Metropolis and the neighboring States, cannot fail to produce an income, and be worth a capital which reduce all apprehensions of these loans becoming fixed on the Commonwealth, to a political absurdity.

Besides these loans, the State has subscribed for $1,000,000 of stock in the Western Rail Road. Upon this it must take its chance with the other stockholders, of gain and loss; but 'individual shrewdness and diligence' has already subscribed and paid in nearly $600,000, and must before the whole scrip is issued pay in $200,000 more, and it can hardly be imagined that any considerable loss can in any event be sustained by the Commonwealth upon its subscription. But even if half the entire subscription were sunk, what would be the loss of the sum of even $500,000, compared with the opening of a rapid and constant line of communication between the Capital of the State and the great Western waters? How inconsiderable would such a loss appear, when compared with the incidental advantages to be derived by the whole line of country through which it passes, from the easy communication between the distant parts of our own Commonwealth, now divided by chains of mountains that have heretofore turned the business of our western counties to the city of New York? This view of the case, however, is one that goes far beyond the extent of the State's actual liability to loss. Only forty per cent. of the whole State subscription, that is $400,000, is ever to be paid in. Both State and individual stockholders are to pay in forty per cent. of their subscriptions, and the State loan does all the rest. The amount therefore put at risk by the State, upon the success of this enterprise, is merely the loss that may be sustained upon the depreciation of $400,000 of stock; and this cannot be stated at so large a sum as not to be amply repaid, in the increase of productive industry and taxable property, by this great improvement.

But when we look back to the gradual steps by which this policy has been introduced, it is with some surprise that we now read your Excellency's disapproval of it. It is believed to have been first recommended by Gov. Eustis, who though he made less use of the word '*Democracy*,' has been esteemed a consistent friend of popular rights. In his Message of Jan. 6, 1825, he strongly presented this subject to the Legislature. He observed that 'while other States are leading

the way in improvements within their territorial limits, *on a great scale and at a great expense*, the citizens of Massachusetts cannot be indifferent spectators of their progress, or of the benefits to be derived from them.' After enumerating the projects which had been then contemplated, viz.: canals to unite Buzzard's Bay and Narragansett Bay with Massachusetts Bay, he remarks that 'a water communication from Boston to and through the western parts of the State, would tend greatly to advance the interests of agriculture, and of the numerous manufactories established in the interior. The present state of the Treasury will not, I am sensible, admit of the application of funds to any considerable amount to objects of this nature. *The time may, it is hoped, not be distant, when the State may be able to assist enterprizing and public spirited individuals who may engage in them.*' Such was the 'democratic principle' of that day; and in pursuance of this recommendation, the Legislature passed a Resolve appointing a Board of Commissioners, to survey the route of a Canal from Boston Harbor to Connecticut River, and from Connecticut River to the Hudson. That Resolve was approved by your Excellency, then acting Governor; and under it, that unquestionable Democrat, the Hon. Nathan Willis, was appointed by your Excellency, and acted as Commissioner. Had the numerous and alarming objections to this policy which are set forth in the Address, then occurred to your Excellency's mind, it would have been in your power to avert the passage of the Resolve, and thus prevent the Commonwealth from embarking in a system, which your Excellency now contemplates with unavailing 'sorrow and regret.'

When the time foreseen by Gov. Eustis as not far distant had arrived, this policy was adopted by the Legislature without distinction of party, and on the principle that it was safe and salutary. The very first step in the cause, was the granting of the credit of the Commonwealth to the Norwich and Worcester Rail Road, for the sum of $400,000. That measure was thus urged upon the Legislature in an editorial article of the newspaper, which claims and is supposed more peculiarly to represent your Excellency's political sentiments, and to enjoy your Excellency's patronage and confidence.—'If the State is made secure, as we think it may be, we can see no possible objection to granting the necessary aid. It is the part of wisdom and sound policy for the Government to give all reasonable encouragement to these great works of public enterprise; and the mode proposed by the Company seems to be free from objection.'—Such may be presumed to have been the opinion of the Party at that time; and the Report in favor of the loan was made unanimously by a Committee composed of both political parties, and was adopted with a very inconsiderable opposition in the Legislature. Again, the motion

for the original subscription for $1,000,000 of stock in the Western Rail Road Corporation, made and urged by prominent members of your Excellency's party, prevailed in the Legislature by a vote almost unanimous. The same remark might be made of all the subsequent Acts granting the use of the Commonwealth's credit to this and similar undertakings. They were all sustained by a large majority of your Excellency's party. It was only when the policy had proceeded too far to be retraced, that it was discovered by the organs of that party, that some selfish purposes might be served by bringing the subject within the range of political warfare. From that time they began to change their tone. The objects themselves were not denied to be of public utility; but the only practicable method of accomplishing them, was assailed. Representations of the amount of principal and annual interest for which the faith of the State was pledged, were artfully drawn up, so as to lead those unacquainted with the subject to believe, that they were really to be a charge upon the Treasury. The emissaries of party throughout the Commonwealth, alarmed the agricultural interest with portentous calculations of the extent to which each farmer's property, as they pretended, was *mortgaged,* for the payment of the cost of these works. And thus a system of internal improvement, absolutely necessary to preserve the value of the whole property of the Commonwealth from being ruinously reduced, by the superior natural and artificial advantages of other States in the means of communication—a system originally urged and promoted by the same party, that now for its own miserable purposes condemns it—has been most mischievously involved in some degree of unpopularity.

Your Excellency passes to the consideration of the finances of the Commonwealth, and observes, that 'We present the extraordinary spectacle of a State, rich in its internal resources, in the treasures it draws from the ocean, in the accumulated capital of many years of labor and economy, in the habitual industry and frugality of its inhabitants, and in the export of the surplus of its fisheries and manufactures—narrow and compact in its territory, dense in its population, advanced in civilization and in moral and intellectual refinement, with the most facile and convenient means of intercommunication—in short, so surrounded with natural and artificial advantages, as to be capable of the best possible government at the least possible expense—during a period of peace and productiveness, annually incurring debts to meet its current expenses.' It is believed that if the mode be examined, in which the existing debt of less than $300,000 has been accumulated, it will not be regarded as a 'very extraordinary spectacle.' A solitary one it certainly is not; for there are very few States in the Union, whose financial condition is near as prosperous as that of Massachusetts. But why is it so extraordinary, that a people with all

the resources your Excellency describes, should not have a revenue sufficient to defray the expenses of Government without any taxation? Of what avail are the 'rich internal resources of the State'—'the treasures it draws from the ocean'—'its accumulated capital'—its 'habitual industry, and the amount of its exports'? These, indeed, indicate the ability of the people, not only to maintain the mere machinery of Government, but to aid in the promotion of those great interests of benevolence, education, and public improvement, which deserve the countenance of an enlightened Government. But this ability cannot be made available without taxation, direct or indirect. For twelve of the last fifteen years, all direct taxation has been dispensed with; and the expenses of the Government have been paid almost wholly by the revenue raised from Banks and Auctions, without any burden to the people at large. Your Excellency is aware also, that if the amount of several items of expenditure of a permanent character be deducted from the amount of the debt, it would leave but a small sum fairly chargeable to the excess of expenditure for 'current expenses' over the income. And this excess is owing in a much greater degree to the decrease of the income, in consequence of the downfall of the Banks, than to any increase of the expenses.

Thus it appears, from the Report of the Treasurer, that the Bank Tax, the principal resource of the State, has, during the last three years, fallen off from $379,175, to $341,308—a difference in this item of $37,867, in the revenue of the past year as compared with that of 1837. But it is manifestly impossible in all cases to make an instantaneous curtailment in the expenses of the Commonwealth to meet a sudden decline of this description in the finances. Had one half of every salary paid from the Treasury, been retrenched, it would not have much more than sufficed to counteract the effect of this reduction in the Bank Tax.

Although your Excellency cautiously deals in generalities, there is a strong implication in the Address, that the excess in the expenditure is owing to 'supernumerary officers,' 'agencies or commissions,' or too high a compensation paid to the public officers. If this be the case, we join in the sentiment that the supernumeraries should be discharged, and the excess of compensation retrenched. But is there any reason to suppose that such is a fact? A most respectable and competent Committee of the last House of Representatives reported, that a reduction of between six and seven thousand dollars, was all that could possibly be made in this way, which constitutes but about one tenth part of the excess of the last year's expenses over the income of the State.

We believe it a sound republican policy, that salaries should be moderate; and it may not be very easy in all cases to fix a fair standard

of compensation. Those paid to the highest State officers in Massachusetts, are considerably lower than the salaries paid to the officers of the General Government residing here. The officer who fills the place of Collector of the Port of Boston and Superintendent of light houses, is paid a much larger sum than the Chief Magistrate of Massachusetts. The salary of the Postmaster of Boston, (whose duties are almost wholly discharged by his clerks,) with his perquisites, is probably twice the compensation of the Chief Justice of the Commonwealth. We have never understood that the salaries paid to the officers of the General Government in Massachusetts, were deemed too large by those who receive them, or by their political friends: they could be easily reduced by an Act of Congress, if your Excellency's party desired it. The State salaries have been and are a favorite subject on which your Excellency's supporters have chosen to exhibit their zeal for retrenchment and economy. It strikes us as somewhat singular, that they should not employ their influence in the General Government, in reducing the salaries of the United States' officers, at least to the State standard. So far is this from being done, that the political friends of your Excellency at Washington, have within a few weeks been employed in raising instead of lowering the federal salaries. Before the bill for establishing the independent treasury was urged through the Senate, a considerable increase of the salaries provided by it, for the receivers of the Public Monies, was moved by Mr. Benton, and advocated by Mr. Wright of New York. It was opposed by Mr. Davis of Massachusetts, one of your Excellency's predecessors, and a *consistent* advocate of reform, on the ground that the salaries already provided by the bill, were fully equal to those of the State officers.

Your Excellency recommends, on this topic, that 'nothing be added to salaries for vain show or ostentatious display—nothing *on account of family or friends.*' We are not aware that there exists, in the past legislation of the Commonwealth, any ground for this covert reproach of 'family influence;' but inasmuch as Mr. Senator Benton, in moving the increase of salaries just alluded to, expressly put it on the ground that 'the officers engaged under the bill ought to be men of *family* and respectability,' your Excellency's admonition, instead of being addressed to the Legislature of Massachusetts, where it is wholly uncalled for, might perhaps be better applied to your friends in Congress, before this portion of the Sub-treasury Bill passes beyond the reach of amendment. Should it fail to be respected there, it could hardly strengthen the suspicion already existing, that retrenchment and reform, as recently inculcated, are words without a meaning, designed to raise a prejudice against political opponents, and never intended to be put in practice. The country has not forgotten the professions of

economy with which the late President of the United States entered into office, nor the unexampled profusion which marked his administration.

Your Excellency states that the expenses of the Government can be brought within its present income; but has not been pleased to intimate the items of expenditure on which the retrenchment can be made. On the contrary, a reduction in nearly all those particulars where it might most easily be affected, is directly, or by implication, discountenanced in the Address. It is stated there, that the expenses of administering the Government have doubled in the last fifteen years. In nothing has the increase been more rapid than in the county balances. These in 1825 amounted to but $17,617. The sum of $69,000 was appropriated for this object the past year, and will, it is understood, prove insufficient to settle all the accounts. Your Excellency intimates that any attempts to diminish this burdensome and growing charge, by transferring it to the Counties, 'would operate unrighteously and oppressively.'

In like manner the Address intimates that it would be 'unrighteous and oppressive' to charge upon the towns the support of the State paupers; consequently there should, in your Excellency's opinion, be no reduction in the sum of $48,000 paid from the treasury of the Commonwealth the past year for this object.

By far the heaviest item of the State expenditure, is the pay of the Members of the Legislature. It is here that the great increase has taken place in the last fifteen years, and not in 'salaries, agencies and commissions.' In the year 1825, the pay of the Legislature was $36,603; in the year 1837, it was $164,583;—a difference more than exceeding, in a single year, all that has been paid in the whole fifteen years, for all the agencies and commissions alluded to by your Excellency, and all the scientific surveys and expenses for the promotion of education, which have formed so prominent a topic of accusation against your Excellency's predecessors. It would have seemed the part of candor, in descanting on the subject of the increased expense of administering the Government, to employ, amidst the generalities with which it is treated, a language including at least, if it did not place in strong light, the real cause of by far the greatest increase; and to have avoided a phraseology, which would lead the uninformed to the impression that 'supernumerary officers,' and extravagant compensations, are the chief cause of an effect, mainly produced by the enormous growth of the House of Representatives.—It appears also that in placing the present state of the finances in contrast with their condition 'fifteen years' ago, when your Excellency for a few months occupied the chair of State, it would have contributed to a fair perception of the merits of the question, as one of

comparative economy, to mention the fact that fifteen years ago a State Tax was paid, and the towns were obliged to reimburse to the State treasury the pay advanced to their Representatives. If, as your Excellency emphatically states, 'the cost of administering the Government has been more than doubled within the last fifteen years,' it is not less true, though not mentioned by your Excellency, that in this same period, the Representatives have been paid, not as before by the towns, but out of the State treasury, and the people have been relieved for the first time, it is believed since the settlement of the country, from a direct annual tax. In the year 1825, the sum of $94,447 was received into the State treasury from the direct tax, and the reimbursement of the pay of the Representatives. Had a like sum been so raised for the twelve of the next fifteen years in which no tax was laid, it would have exceeded $1,100,000, which would have been drawn from the people in the last 'fifteen years,' by direct taxation, to meet the increased expenditure. Besides all this, it will be remembered that within the period mentioned by your Excellency, the compensation of various judicial and other officers, to a great amount, has been paid by salaries from the Treasury, instead of larger sums before drawn in fees from the citizens.

The Majority of the Legislature are happy to agree with your Excellency in most of the remarks contained in the Address on the subject of Education. But while your Excellency very justly dilates upon the importance of the free schools, we are surprised to learn from your Excellency, that 'recently great labor has been bestowed upon and great improvements made in some departments of education;' but that 'the very improvements in the higher branches, and in the more elevated seminaries, excite the ambition and engross the attention of those most active in the cause of education, and thus expose the common schools to fall into neglect and disrepute.' The very reverse of all this seems to us to be true, at least so far as concerns the action of the Legislature, to whom this admonition is addressed. Your Excellency must be aware, that of late years the Legislature has omitted all appropriations for the encouragement of the 'more elevated seminaries,' and has established a Board of Education, whose labors are required by law to be exclusively devoted to the improvement of the common schools. We are quite at a loss to comprehend what changes, in this particular, your Excellency would recommend. It is new to us if the 'children of the poor—the weak—depressed—and the neglected,' have not, so far as the Legislature can provide it, 'suitable means of instruction,' or that the 'town schools are not open to all.'

We now approach a portion of the Address, which affects us with more serious concern than the misapprehensions of your Ex-

cellency to which we have already adverted. The sanction by your Excellency of the catch-words of party excitement, though it seems to us not to accord with the dignity of the station from which your Excellency has been removed, or of that to which you have been called, we readily admit is in some degree a matter of taste merely; and the endeavor to create a popular dissatisfaction with the measures of your Excellency's predecessor, however mistaken the grounds of it, might not have been entirely unexpected under existing circumstances. But that your Excellency's accession to the chief magistracy should have been made the occasion of such attacks upon the Constitution of the Commonwealth, as are contained in the Address, has moved the astonishment even of your Excellency's most decided opponents. To these attacks, which seem calculated to undermine the very foundation of our constitutional liberties, it is impossible for us to reply with that official blandness which might perhaps be required in an answer from the body of the Legislature. We approach your Excellency on this point, with the feelings of citizens, whose great charter of freedom is assailed from the quarter where it should find support against the lawless attempts of faction. Your Excellency declares the Constitution of Massachusetts to be *deficient* and *inconsistent*, and to leave a portion of the citizens 'in a state of political servitude,' because paupers and spendthrifts are not admitted to the important rights of suffrage, and of making laws to bind the other citizens of the Commonwealth. Because it declares that 'all men are born free and equal,' your Excellency reproaches the Constitution with inconsistency and injustice, in refusing to give the highest rights of citizens to those, whose idleness, intemperance, or profligacy, have reduced them to the condition of dependents on public charity, or so far deprived them of the right exercise of reason, that they are adjudged incapable of conducting their own private affairs. The provision of the Constitution thus assailed by your Excellency is this: That every citizen of twenty-one years and upwards, (excepting paupers and persons under guardianship,) who shall have paid any tax within two years, and all persons exempted by law from taxation, but otherwise qualified, shall have a right to vote. This is the clause termed by your Excellency a provision reducing a portion of the citizens to 'a state of political servitude.' And who are these oppressed persons, for whose relief your Excellency would amend 'our excellent Constitution?' Adults under guardianship are excluded from the list of voters,—these are composed, besides the insane, (whom we do not suppose your Excellency would include,) wholly of adjudged spendthrifts and common drunkards. Would your Excellency have those enlisted among the supporters of the new 'Democratic principle' at the polls? The only other class excepted, is that of persons not exempted

by law from taxation, but who do not even pay a Poll Tax, which can in no case, by the present law, exceed a dollar and a half, and is ordinarily fixed at a dollar only. Of this class—far more numerous than is commonly supposed—the most obvious individuals are public paupers, but the greater number are the idle and profligate who prey at large upon society. These your Excellency clearly demands should be allowed, not only to vote, in the election of all officers, but to sit in the Legislature, making laws to affect the property of every industrious citizen in the Commonwealth.

There is no mistaking or otherwise explaining your Excellency's language. In speaking of the Constitution, your Excellency remarks, that 'while in one section it declares that "all men are born free and equal," and that the "body politic" is a voluntary "social compact," to which the whole people and each citizen are parties: in another, it excludes a portion of them from any participation in the *election of officers or the making of laws*. He who is governed by laws, in the formation of which he had no voice, is in a state of political servitude. To make the right of suffrage and civil liberty depend upon the accident of property or taxation seems to me to be inconsistent with the "natural, essential, and inalienable rights of man."' 'If the right of self-government, the right of suffrage be a natural one, belonging to every rational being, there can be no just cause for depriving any citizen of it, except *perhaps* as a punishment for crime.'—Here is the doctrine plainly avowed, of universal suffrage, to be exercised upon the highest occasions, by every vagrant and vagabond in the State, not in a condition of absolute lunacy,—no matter how idle or profligate he may be. The lowest receptacles of vice are to be ransacked by party zeal to drag from their obscurity, that they may exercise the highest rights of man, creatures who have just enough of humanity left to be recognized as 'rational beings.' Town paupers are to be marched to the polls under their keepers, and it is even left hypothetical by your Excellency, whether convicted criminals should not be released from confinement, that they may assist by their votes in repealing the laws for the violation of which they have forfeited all other rights of citizens.

For the virtuous and unfortunate poor, we feel as much respect and compassion as your Excellency expresses; but for those who are too idle and vicious to contribute even the value of a day's labor to qualify them for the high privileges of an elector, we cannot join in your Excellency's sympathy. Were it possible to distinguish between the two classes by law, there would be no question, but that the former might safely be permitted to vote; though without any thing at stake in the well-being of society, but their security from personal injury. But that those whom the widest philanthropy can consider only as burdens upon the community—injurious to its morals as well as to its prosperity—

should possess the same right with the industrious poor, is absurd in theory, and a gross injustice to those who feel and discharge the mutual obligations which alone can preserve man in a state of civilized society. We feel well assured that the people of Massachusetts will not recognize this breaking down of all distinction between the virtuous and the vicious, between the industrious frugal citizen and the mere vagrant, as one of the elements of the 'democratic principle.' We do not believe that empty declamations about equal rights, have yet so far deluded them, that they are willing to be classed with the most degraded of their species, to carry out such a theory of absolute equality.—We hold with your Excellency and with the Constitution, that 'all men are born free and equal,' but we understand, as our Fathers did, who framed that Constitution, that men may fall from that high equality, and forfeit natural rights by their own misconduct. We agree that all men enter the world with equal *rights*, though not with equal *powers*, and that one of those rights is, to be admitted to a share in the government of society by contributing to its wants.

Political rights and duties are reciprocal; and when the last are neglected, it is just that the first should be forfeited. The Constitution has established as a test of the citizen's willingness to perform his civil duties, that he shall pay the lowest tax that can be assessed upon any one—that he shall do some little for the support of the common burden—that if he cannot or will not accumulate any property liable to taxation, he shall at least give to the community the value of one day's labor, which, in our country, every man can earn at pleasure, unless he is disabled by infirmity. To require this as the condition upon which all political rights, beyond that of personal protection, which is equally extended to all without exception, rights even over the property and persons of others, should be claimed, appears not only reasonable, but extremely liberal. Beyond this line it seems to us, lies not liberty, but licentiousness—not democracy, but absolute anarchy.

That the 'right of suffrage' is a 'natural one, belonging to every rational being,' seems to us a singular proposition. In a state of nature no such right could be exercised. Election—representation —and suffrage, are the creatures and contrivances of society. The natural right of man is to be governed by himself alone; but this natural right is to be abandoned the moment he enters into a state of civilized society. It is a part of the contract by which he receives protection from the majority, that he shall yield to the majority this natural right of individual self-government: this is the very foundation of the 'social compact.' Your Excellency, therefore, in using the 'right of self-government,' and the 'right of suffrage,' as synonymous terms, confounds things essentially different. We should be glad to believe, that to this confusion of ideas, rather than to any design to

overturn the defences of civilized society, and to abolish all law but that of the strongest, this portion of your Excellency's Address is to be traced.

Equally unnecessary and uncalled for, appears to us your Excellency's remark, that 'further provision seems to be needed to protect the laboring classes and poorer portion of the community from unjust and oppressive influences, and to secure to them more perfect independence and freedom of political action.' The fear which your Excellency speaks of, 'that men of wealth and extensive business' interfere with and control 'the suffrages of those dependent upon them for employment,' appears to us destitute of any rational foundation, if it really exists in the mind of any one. But if such a practice has happened to fall within your Excellency's peculiar sphere of observation, though it has escaped our own means of knowledge, we rejoice that it has received a rebuke from a quarter that will command the respect of the delinquents.

It is necessary, however, to proceed with caution in drawing our inferences on this subject. It by no means follows, that because employers and employed act together on political subjects, that an oppressive or corrupt influence has been exerted. There is no distinction in their interests properly understood. What then should lead to difference of action at the polls? When the honest laborer is found voting with his employer, it would argue more respect for him, and would be more consonant with a spirit of fairness to believe, that he does so from his own honest conviction, rather than because he has suffered himself to be bribed or coerced. It would better become us to suppose, that he does so, because he has the intelligence to perceive that the interests of all classes are in harmony, and has the virtue to resist the suggestions of artful demagogues, who would persuade him that there is a natural hostility between the rich and the poor.

There is however one example of this evil, of notorious existence, and of the first magnitude, which your Excellency has left untouched; it is that of a corrupt and unwarrantable interference with the elective franchise on the part of the officers of the General Government. It is perhaps familiar to your Excellency, that this interference has heretofore assumed the character of absolute domination in the Custom House over its dependants; and probably has existed in other offices of the General Government. Not only was it required of the incumbent to vote according to the dictation of the presiding Officer, but every subordinate's salary was forced to contribute money to carry forward the purposes of the party. This evil has attracted attention in Congress, and a bill to provide a remedy was brought forward in the Senate of the United States. The strongest argument then used against it was, that the State Governments are competent for the

protection of their Citizens against such abuses. Perhaps the evil may recently have diminished in magnitude, but it still exists in a very great degree. And while your Excellency was upon the subject, it is a matter of some surprise, that this very striking, if not the only example of it within our Commonwealth, should have escaped notice, or not been deemed to require a remedy.

'There are other topics in the Address, on which we would remark at large, but that this Answer has extended already to so great a length. The Address is pregnant with appeals to the apprehensions of the citizens. The 'secrecy of the ballot' is represented as insufficiently secured. But if the heavy penalties already provided by law for any attempt to examine the ballot of a voter, and his acknowledged power of placing it in the ballot box so as only to be read in open violation of that law, are not, as now first intimated, a sufficient protection against this danger, it is again to be regretted that some better remedy had not been suggested by your Excellency. We are aware that it is not the province of the Executive, in general, to propose the details of laws; but when evils unknown to the rest of the community are thus darkly intimated from the Chair of State, the suggestion can only be made useful by showing how those evils may be prevented.

In your Excellency's remarks on the 'fundamental defect in the frame of Government' in relation to the basis of the Senate, and on the 'strong objections to the constitution of the House of Representatives,' we do not perceive any novelty which calls for further reply, than to say that both those supposed defects had been already provided for, by an amendment of the Constitution passed by both branches of the last and since the delivery of your Excellency's Address, by the present Legislature.

But the Majority have read one paragraph of your Excellency's Address on this subject, with sentiments which a just regard to the dignity and rights of the Legislature will not permit them to pass without special remark. Your Excellency states, that in proposing amendments of the Constitution, '*the members of the Legislature act as the agents of the people;*' to this we assent, and we quote the language only that there may be no mistake as to the persons intended by your Excellency as 'the agents,' in the following quotation :—

'To connect two amendments so that they cannot be voted upon separately, limits the citizen's freedom of action, indicates an attempt by the *agents* to impose restraints upon their principals, and manifests a want of confidence in the people.'

We understand, necessarily, that your Excellency refers in this to the proposed amendment of the Constitution which unites a change in the basis of the Senate, with a new ratio of representation in the House. This amendment was adopted by the last Legislature by a vote of 279

to 42, in the House, and by a vote of 22 to 9 in the Senate, and has passed both Houses of the present Legislature, by very large majorities. —When your Excellency delivered the Address, this was a matter pending before the Legislature. In such a case, any interference on the part of the Executive, is holden to be a high breach of privilege. The Parliament of England will not suffer it from the Crown, and we trust that the right of the Legislature, under a popular government, is not less clear, to protect itself from Executive interference. But without insisting upon this established right in every case, we are compelled to say, that in the present instance your Excellency's language sounds equally strange and offensive in our ears, as coming from a Governor of Massachusetts to the Representatives of the People. To say to the Legislature, at any time, that they are attempting to limit the citizen's freedom of action, and to impose restraints upon their principals, and that they are manifesting a want of confidence in the people, is little short of a deliberate insult. But this attempt of your Excellency to dictate to the Legislature, assumes a remarkable character, when it is considered that not only was the measure then pending before them, but that it was one in which your Excellency is not authorised in any event to interfere. The power of proposing amendments to the Constitution is vested by that instrument in the Senate and House of Representatives alone. It is a subject upon which the Governor can never be called on to revise the result of their deliberations: the Constitution has made it the business of the Legislature, and not that of your Excellency.

'Agents' we undoubtedly are, though your Excellency uses the word with less of courtesy than is usual on such occasions. But while we acknowledge our allegiance and accountability to our 'principals,' we hold ourselves in no manner responsible to your Excellency—who is but another 'Agent,' and for a different purpose—for the discharge of our duties: and to be thus admonished how we shall perform them, in a matter actually pending before us, your Excellency must hold us justified in saying, is not to be endured by the Representatives of a free People.

Your Excellency's own party have presumed in this matter to think and act for themselves, and have voted for the amendment without any attempt to enforce your Excellency's dictation to divide its two provisions. If the Majority of the Legislature had entertained the least apprehension that this interference with the Constitutional powers of the Legislature would produce any effect upon the vote, they would have felt it their duty immediately to move an inquiry, which would have given your Excellency an opportunity of disclaiming the disrespectful intention manifested by this language; but as it gave them no uneasiness to hear so powerless an attempt to restrain the freedom of

action by the Legislature upon one of their highest duties, so it would have given them no pleasure to place your Excellency in the disagreeable predicament of disavowing its obvious meaning.

Having thus noticed the principal subjects of your Excellency's Address, we cannot close this Answer without adverting to its remarkable omissions. Long, elaborate and diffusive—it covers all the topics of Party—but it forgets the great interests of the State. Not a word could be found in it to be referred to the Committee on Agriculture—not a word to be referred to that on the Fisheries. It would seem to have been forgotten by your Excellency, in your haste to take up the defence of the new 'Democratic principle' in all its popular phases, that a farm, or a farmer, exists in Massachusetts. And the Fisheries, so vital an interest to the State, and endangered as that interest is by propositions now pending before Congress, seem equally to have escaped your Excellency's recollection.

Our Public Lands are not mentioned by your Excellency; neither those in the East, which are threatened by the claims of the British Government; nor those vast territories in the West, to which our unquestionable rights, as tenants in common with the other States, are proposed by your Excellency's friends at Washington, to be ceded without consideration to the States in which they happen to lie.

The Massachusetts Claim too, so prominent a topic in former Executive Addresses, on which the people feel so sensitively, and of which the payment, long and unjustly delayed, would come so opportunely now, to relieve our present embarrassments, is quite forgotten by your Excellency, in the anticipated glories of the Independent Treasury.

The Executive Address reminds us throughout, we say it with a sorrowful sincerity, that for the first time for many years past, we have a Chief Magistrate, who feels himself more the head of a Party, than the head of the State.

In conclusion, we regret that a document should go forth to the people of this country, and to the world, with the imposing authority of an official Address from the Governor of Massachusetts, in which such a general and comprehensive dissatisfaction is proclaimed with the state of things here existing. Our venerable Commonwealth has generally been regarded as exhibiting one of the most perfect examples of a well constituted and well governed Republic. Your Excellency, after having been long honored with an eminent station in its magistracy, now succeeds to its highest official trust, with an Inaugural Address, which speaks of little in its institutions with approbation, and condemns many of their most important features. What will be thought by the friends of liberty in other nations, who are struggling for the reform of real abuses, when they shall see from its Chief Magistrate,

an Address that finds nothing as it should be in a State like Massachusetts?

Your Excellency finds the Constitution, by its imperfect security of the right of suffrage, to leave a large portion of its citizens in 'state of political servitude.' Your Excellency finds 'the secrecy of ballot' to be 'frequently infringed,' that its 'peculiar province is not sufficiently understood or regarded,' and 'that men of wealth and extensive business,' 'infringe the right of choice' and 'control the suffrages of those who may be dependent upon them for employment.' Your Excellency declares that in our legislation, a 'small proportion of our labor is given to the public,' and 'much to individuals'—that a large portion of it has been devoted to the promotion of 'monopolies' and private speculations—that our systems of currency are 'unjust and unequal' in their action—that the 'habits' of our people are those of 'individual extravagance, which wastefully consume the common stock, while they produce private profligacy and wretchedness. Your Excellency 'mentions with sorrow' that 'our ancient and venerated Commonwealth' has incurred heavy responsibilities for the construction of works of internal improvement, which 'impose unequal and unjust burdens.' Your Excellency declares that the disorder of our finances is 'an extraordinary spectacle' —and strongly intimates that extravagant compensations are paid to 'supernumerary officers,' and for 'agencies and commissions,' not for the public good, but for 'vain show or ostentatious display,' 'on account of family or friends,' or 'for political services or partisan efforts.' Your Excellency, in proposing a change in the Judicial system, finds existing a 'delay and expense of litigation, which now, to poorer parties, amounts to a denial of justice.' Your Excellency finds, with 'deep regret and mortification,' that the 'state and organization of our militia are so imperfect,' that 'for some time its progress has been that of deterioration instead of improvement.' Your Excellency finds our 'common schools' exposed 'to fall into neglect and disrepute.' Your Excellency apprehends that entails and the right of primogeniture will be reëstablished, and finds 'factitious distinctions in society,' 'from education, from family, from social relations, and from wealth, are multiplying and becoming more clearly defined and regarded.' And finally, your Excellency finds the Senators and Representatives of the State, regardless of duty in the exercise of the highest powers committed to them, attempting to 'limit the citizen's freedom of action, to impose restraints upon their principals, and manifesting a want of confidence in the people.'

That such an exposition of the condition of our beloved Commonwealth should have been proclaimed from its Chair of State, must be a source of deep mortification and regret to all. But there is consola-

tion in the reflection, that the very length of this catalogue of evils will prevent its being received without large allowance for the fact, that it is the judgment of one just elevated to office upon the administration of a long successful competitor. Discouraging as it may appear to the friends of republican institutions elsewhere, we are in no wise alarmed by a list of grievances of which so many are purely imaginary. On the other hand, we see in our political condition some evils and dangers which your Excellency's Address seems only adapted to foment and aggravate, and which we shall feel it our duty to endeavor to correct and avert; and more especially shall we consider it among the first of our obligations to our country, to restore the Government of Massachusetts to the guidance of correct political principles in the Executive Department.

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